

### **REMARKS**

In accordance with the foregoing, claims 1, 3, 4, 24, 26, 44, 55, 69-71, and 86-88 have been amended, claims 2, 13-23, 25, 35-43, 45, 46, 49-51, 56, 57, 60-62, 72-82, and 89-107 have been cancelled without prejudice or disclaimer. Claims 1, 3-12, 24, 26-34, 44, 47, 48, 52-55, 58, 59, 63-71, 83-88, and 108-110 are pending and claims 1, 3, 4, 6, 7, 9-12, 24, 26, 28, 31-34, 44, 48, 52, 54, 55, 59, 63-65, 69-71, 86-88, and 108-110 are under consideration. No new matter is presented in this Amendment.

### **REJECTIONS UNDER 35 U.S.C. §102:**

Claims 1-4, 6, 7, 9-12, 24-26, 28, 31-34, 44, 48, 52, 54, 55, 59, 63-65, 69-71, 86-88 and 108-110 are rejected under 35 U.S.C. §102(e) as being anticipated by Fukushima et al. (U.S. Patent 6,552,982), hereinafter referred to as Fukushima. This rejection is respectfully traversed and reconsideration is requested. Claims 2 and 25 have been cancelled without prejudice or disclaimer. Accordingly, the rejection of claims 2 and 25 is moot.

Fukushima discloses a disk identification area having a plurality of disk identification information areas 210 and drive information areas (Fig. 2, Fig. 5). The drive information areas 521 contain a plurality of ECC blocks, each of which may store 16 recording and reproduction conditions (col. 15, lines 47-52). When a new recording and reproduction condition is recorded, the conditions in the 0<sup>th</sup>-14<sup>th</sup> positions are moved to the next position, thus deleting the condition recorded in the 15<sup>th</sup> position (col. 16, lines 30-40). The new condition is recorded in the 0<sup>th</sup> position (col. 16, lines 19-21), in the same ECC block and in the same sector as the previous recording and reproduction condition. In order to increase redundancy, the entire ECC block, including new and old recording and reproducing conditions, may be copied into another ECC block (col. 21, lines 2-8). Recording and reproducing conditions include a manufacturer identifier, a drive identifier, etc.

In contrast, claim 1 recites an area having a drive & disc zone in which information on a drive and information on a state of the storage medium are recorded, wherein the drive & disc zone includes a plurality of physical clusters or error correction (ECC) blocks, the information on the drive and the information on the state of the storage medium are recorded in at least one of the physical clusters or ECC blocks.

As to claim 1, Fukushima fails to disclose all the limitations of claim 1 as currently

presented. For example, Fukushima discloses recording new recording and reproduction conditions (which the Examiner apparently construes as corresponding to the drive information limitation in claim 1) in a different ECC block from the disk identification information area. See Fukushima, Fig. 2, and col. 11, lines 29-35. In contrast, claim 1 recites that the disk and drive information is stored in an ECC block. In addition, claim 1 recites that whenever the information on a drive and/or the information on the state of the storage medium is updated, the updated information is recorded in a different physical cluster or ECC block than the previously recorded information. Fukushima discloses recording new recording and reproduction conditions in the same ECC block as the previously recorded conditions, not a different ECC block. See Fukushima, col. 16, lines 19-21 and 30-40. Since Fukushima fails to disclose all the limitations of claim 1, the rejection of claim 1 should be withdrawn.

Claims 3, 4, 6, 7, 9-12, 69-71, and 108-110 are deemed patentable due at least to their depending on claim 1.

Claim 24 is deemed patentable for at least the reasons given above with respect to claim 1.

Claims 26, 28, 31-34, and 86-88 are deemed patentable due at least to their depending on claim 24.

Claim 44 is deemed patentable for at least the reasons given above with respect to claim 1.

Claims 48, 52, and 54 are deemed patentable due at least to their depending on claim 44.

Claim 55 is deemed patentable for at least the reasons given above with respect to claim 1. Claims 59 and 63-65 are deemed patentable due at least to their depending on claim 55.

### **CONCLUSION:**

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

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